



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,426	01/18/2001	Shmuel Shaffer	062891.0522	7033
7590	12/23/2004		EXAMINER	
Barton E. Showalter Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			DENNISON, JERRY B	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 12/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,426

Applicant(s)

SHAFFER ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Amendment for Application Number 09/766426 received 12 August 2004.
2. Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitation "the call resource" in the "determining" limitation.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 23-28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxley et al. (U.S. Patent Number 6,646,997) in view of Bales et al. (U.S. Patent Number 5,369,694)

1. Regarding claims 1, 6, 10, 14, 23, 25, Baxley discloses an apparatus and method for conducting a transfer of a conference call, comprising:

receiving unmixed media streams from a plurality of endpoints participating in a conference call (Baxley, Fig. 1, 120);

transmitting the unmixed media streams to a first call resource (Baxley, col. 5, lines 1-15);

receiving a first mixed media stream from the first call resource (Baxley, col. 6, lines 40-45);

transmitting the first mixed media stream to the plurality of endpoints (Baxley, col. 6, lines 45-50);

detecting a transfer condition (Baxley, col. 11, line 10);

duplicating the unmixed media streams (Baxley, col. 11, lines 10-15);

transmitting the duplicated unmixed media streams to a second call resource (Baxley, col. 11, lines 10-15)

receiving and validating a second mixed media stream from the second call resource (Baxley, col. 11, lines 10-15);

transmitting the second mixed media stream to the plurality of endpoints (Baxley, col. 11, lines 10-15);

ending transmitting the first mixed media stream to the plurality of endpoints (Baxley, col. 11, lines 10-15);

masking the transition from transmitting the first mixed media stream to transmitting the second mixed media stream (Baxley, col. 11, lines 10-15);

However, Baxley does not explicitly state communicating a prompt to the clients during the transfer of the responsibility for mixing of the media streams if the message indicates a change in the number of clients participating in the conference call, the prompt operable to mask the transfer of the responsibility for mixing of the media streams between the first and second call resources. In an analogous art, Bales teaches notify messages sent to other station sets on the conference call, advising them that a new station set is now part of the conference (Bales, col. 9, lines 1-5). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the communication of a prompt to participating clients indicating a change in the number of clients participating into the audio conferencing system of Baxley to provide a telephone terminal that is equipped with a meet-me-conference actuator which creates the capability of a meet-me-conference call on that line associated with that line appearance, for the benefit of keeping unattended parties from gaining access to the conference through the conference bridge (Bales, col. 1, lines 30-55).

2. Regarding claims 2, 7, 11, and 15, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claims 1, 6, 10, and 14, including wherein receiving the message at the media gateway to transfer the responsibility for mixing of the media streams from the first call resource to the second call resource comprises a request from an additional client to join the conference call (Bales, Fig. 5, 501); and

the prompt indicates that the additional client has joined the conference call (Bales, col. 9, lines 1-5).

3. Regarding claims 3, 8, 12, and 16 Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claims 1, 6, 10, and 14, including wherein receiving the message at the media gateway to transfer the responsibility for mixing of the media streams from the first call resource to the second call resource comprises a request from one of the clients participating in the conference call to exit the conference call (Bales, col. 9, lines 15-25); and

the prompt indicates that the one client has exited the conference call (Fig. 9, 902).

4. Regarding claims 4, 9, 13, and 17, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claims 1, 6, 10, and 14, including wherein receiving the message at the media gateway to transfer the responsibility for mixing of the media streams from the first call resource to the second call resource comprises a request to initiate an additional conference call on the first call resource (Bales, col. 3, lines 24-55); and

if the message does not indicate the change in the number of clients, the conference call is transferred in response to detecting a period of silence in the conference call (Bales, col. 3, lines 60-65, Bales teaches a set station going off the hook on the line appearance and then is automatically placed in the conference).

Art Unit: 2143

5. Regarding claim 5, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 1, including wherein the responsibility for mixing of the media streams comprises packets of voice information (Bales, col. 4, lines 35-40).

Regarding claim 24, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 23, including wherein the transfer condition includes a request add a new endpoint to the conference call (Baxley, col. 11, lines 8-12).

Regarding claim 26, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 23, including wherein the transfer condition includes a request to remove at least one of the plurality of endpoints from the conference call (Bales, col. 5, lines 4-11).

Regarding claim 27, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 26, including wherein masking the transition includes playing a message to the plurality of endpoints that the at least one of the plurality of endpoints has left the conference call (Bales, col. 5, lines 4-11).

Regarding claim 28, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 23, including wherein the transfer

condition includes a request to initiate an additional conference call (Baxley, col. 11, lines 10-15).

Regarding claims 30 and 31, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 23, including wherein validating the second mixed media stream includes modifying packet header information associated with the second mixed media stream to correspond with packet header information associated with the first mixed media stream, wherein packet header information to be modified is selected from the group consisting of source information, destination information, size information, SSRC numbers, sequence numbers, order numbers, and time stamps (Baxley, col. 11, lines 10-16, Baxley teaches that all calls are transferred to the new MCU, their packet header information must be modified, including source and destination information).

Regarding claim 32, Baxley and Bales disclose the features of the invention, substantially as claimed, as described in claim 23, including wherein validating the second mixed media stream includes introducing a delay in the first mixed media stream or in the second mixed media stream synchronize the first mixed media stream and the second mixed media stream (Baxley, col. 4, lines 9-35).

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxley in view of Kung et al. (U.S. Patent Number 6,671,262).

6. Regarding claim 18, Baxley discloses a method for conducting a transfer of a conference call, the method comprising:

receiving unmixed media streams from a plurality of endpoints participating in a conference call (Baxley, col. 3, lines 50-60);

receiving a message at a media gateway to transfer a responsibility for mixing of the media streams from a first call resource to a second call resource (Baxley, col. 11, lines 5-16).

introducing a delay in a selected one of a first mixed media stream and a second mixed media stream to synchronize the first mixed media stream and the second mixed media stream (Baxley, col. 4, lines 29-35).

Baxley also discloses the conference system including a protocol used for digitizing and compressing signals by handling signal delay (Baxley, col. 4, lines 9-40). However, Baxley does not explicitly state transferring the responsibility for mixing of the media streams from the first call resource to the second call resource upon confirming that the first and second mixed media streams are synchronized (Baxley, col. 4, lines 9-40, Baxley discloses). In an analogous art, Kung discloses a conference server which includes a de-jitter buffer which adapts to delay variations in the network (Kung, col. 12, lines 45-60). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine the system of Baxley with the system of Kung in

order to combine the channels of different clients, using a delay to synchronize their streams in order for clients to communicate with an understanding of each other. This combination will provide a system to combine packet streams in a conference call into a combined packet stream such that the combined packet stream utilizes no more bandwidth than each of the original packet streams (King, col. 1, last paragraph), allowing station sets to communicate through conference calls with minimal delays.

7. Regarding claims 19-21, Baxley and Kung teach the limitations, substantially as claimed, as described in claim 18, including receiving, at the media gateway, streams generated by first and second call resources (Kung, col. 30, lines 53-55)

analyzing the first and second mixed media streams to determine the delay between the first and second mixed media streams (Kung, col. 12, lines 45-60, Kung teaches the system adapting to delay variations in the network, therefore analyzing the delays).

adding delay to the first/second call resource (Kung, col. 12, lines 45-60, Kung teaches the system adapting to delay variations in the network, therefore adding delay to whichever call resource needs it); and

receiving, at the media gateway, the first/second mixed media stream with the added delay (Kung, col. 30, lines 50-60, Kung explains the mixed streams utilizing only so much bandwidth).

8. Regarding claim 22, Baxley and Kung teach the limitations, substantially as claimed, as described in claim 18, including wherein the first and second mixed media streams comprise packets of voice information (Kung, col. 12, lines 10-20).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxley and Bales as applied to claim 28 above, and further in view of Bradley et al. (U.S. Patent Publication Number 2003/0125954).

Regarding claim 29, Baxley and Bales teach the limitations, substantially as claimed, as described in claim 28. However, Baxley and Bales do not explicitly state wherein masking the transition includes detecting a period of silence; and wherein transmitting the second mixed media stream and ending transmitting the first mixed media stream occur during the period of silence. In an analogous art, Bradley discloses a system and method at a conference call bridge server for detecting periods of silence where the conference call server will have no activity on the line (Bradley, page 3, paragraph 28). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate detecting periods of silence into Baxley and Bales for the purpose of identification of speakers on a conference call bridging callers using a variety of different terminals (Bradley, page 1, paragraph 8).

Response to Amendment

Applicant's arguments and amendments filed on 12 August 2004 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by adding new claims and including new limitations in existing claims that will require further search and consideration*) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to claims 1-22 have been fully considered but they are not persuasive. Applicant's arguments include the failure of previously applied art to expressly disclose the teachings "transferring responsibility for mixing of media streams from a first call resource to a second call resource [see Applicant's Response, Filed 12 August 2004, page 19 of 23]. It is evident from the mappings found in the above rejection that the combination of Baxley and Bales discloses the teaching of transferring the responsibility of mixing media streams from call resource to call resource. Further, it is clear from the numerous teachings (previously and currently cited) that the provision for using "transferring conference calls" was widely implemented in the networking art.

1. Applicant only claims transferring the responsibility of mixing media streams from a first call resource to a second call resource based from a condition. By Baxley disclosing moving audio conferences from one multipoint control unit to another multipoint control unit based on a condition such as not enough ports to handle the

amount of participants, Baxley shows that transferring conference calls from one resource to another is well known in the art.

2. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that the combination of Baxley and Bales clearly teach the independent claims of the Applicant's claimed invention.

3. Applicant's arguments with respect to claims 1-23 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

4. Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique [see Spec page 20, last paragraph]. As it is extremely well known in the networking art as already shown by Baxley and Bales as well as other prior arts of records disclosed, transferring conference calls from one resource to another is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

5. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

6. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571)272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Bret Dennison
Patent Examiner
Art Unit 2143


Primary Examiner
Art Unit 2143
William C. Vaughan, Jr.